

Order

Michigan Supreme Court
Lansing, Michigan

May 9, 2012

Robert P. Young, Jr.,
Chief Justice

144397

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

CYNTHIA C. RUZAK,
Plaintiff-Appellant,

v

SC: 144397
COA: 288053
Grand Traverse CC: 06-025177-NI

USAA INSURANCE AGENCY, INC.,
Defendant-Appellee,

and

JAY D. RUZAK,
Defendant.

On order of the Court, the application for leave to appeal the December 1, 2011 judgment of the Court of Appeals is considered, and it is DENIED, there being no majority in favor of granting leave to appeal.

CAVANAGH, MARILYN KELLY, and HATHAWAY, JJ., would grant leave to appeal.

ZAHRA, J., did not participate because earlier in these proceedings he was on the Court of Appeals panel that addressed substantially the same issue presented here.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 9, 2012

Corbin R. Davis

Clerk